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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,124	07/08/2003	Marvin T. Ling	GTX-005	2215
35023 7590 06/19/2008 LUCE, FORWARD, HAMILTON & SCRIPPS LLP 11988 EL CAMINO REAL, SUITE 200 SAN DIEGO, CA 92130				
EXAMINER				
CHEUNG, MARY DA ZHI WANG				
ART UNIT		PAPER NUMBER		
3694				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/616,124

**Applicant(s)**

LING, MARVIN T.

**Examiner**

MARY CHEUNG

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

***Status of the Claims***

1. This action is in response to the amendment filed on December 26, 2007. Claims 1-24 are pending. Claims 12-24 are withdrawn. Claims 1-2, 4, 6 and 8 are amended. Claims 1-11 are examined.
2. The serial numbers printed on the top right corner of the claim and remark sheet that included in the response filed on December 26, 2007 are incorrect. It should be "10/616,124" instead of "10/816,124". The applicant is advised to print the correct serial number for future responses to prevent delay of process the applicant's responses.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe, US 2003/0115137 A1.

As to claim 1, Rowe teaches a system for facilitating electronic commerce among users, a service provider and vendors, wherein each user has established a primary

account with the service provider, the system comprising (§¶ 52, 135 and Fig. 5; *"primary account" corresponds to the customer account or master account in Rowe's teaching*):

- a plurality of vendor computers, each vendor computer programmed to provide a website at which a user at a user device may purchase goods or services (§¶ 135, 170);
- a service provider computer at which the user has established a primary account, the service provider computer programmed to permit the user to establish a sub-account under the primary account, the primary account and sub-account having a prepaid value in the form of electronic tokens, wherein the user may specify a subset of the plurality of vendor computers that are the only vendor computers from which purchases may be made using the sub-account (§¶ 52, 122, 135 and Fig. 2E; *"sub-account" corresponds to the sub or allowance account in Rowe's teaching*); and
- a communications network enabling the user device to communicate with the plurality of vendor computers (Fig. 2E).

As to claim 2, Rowe teaches the service provider computer is programmed to permit the user of the primary account to transfer electronic tokens to the sub-account from the primary account (§¶ 52).

As to claim 3, Rowe teaches the service provider computer is programmed to permit the user to specify a plurality of authorized users for the sub-account (§¶ 52).

As to claim 6, Rowe teaches the service provider computer is programmed to permit the user to authorize the sub-account to independently transfer electronic tokens to the sub-account (§ 52).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe, US 2003/0115137 A1 in view of Russell, US 2001/0047310 A1.

As to claim 4, Rowe teaches the service provider computer is programmed to permit the user to specify a spending limit for the sub-account (§ 129). Rowe does not specifically teach the spending limit is on per transaction, per day, per week, and per month basis. However, this matter is taught by Russell as the user is permitted to set spending limit as desired, such as on per transaction, per day, and per week basis (§ 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user in Rowe's teaching to set the spending limit as desired on taught by Russell for better control the sub-account's spending.

As to claim 8, Rowe teaches accounts are set to have a maximum funds limit (§ 16-18). Rowe does not explicitly teach the service provider computer is programmed to permit the user to configure the sub-account to automatically add funds to the sub-account during a transaction if a balance of the sub-account falls below a minimum

balance. However, Russell teaches this matter (¶ 30, 53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Rowe's teaching to include the feature of automatically adding funds to the sub-account during a transaction if a balance of the sub-account falls below a minimum balance as taught by Russell for allowing the primary account user efficiently managing the sub-account.

As to claim 9, neither Rowe nor Russell teaches periodically sending notifications to the primary account user that list all transactions of the sub-account. However, Russell teaches periodically check the account and sending notifications to the primary account user (¶ 30). Russell further teaches records all the transactions for the sub-account (¶ 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Rowe modified by Russell to include the feature of periodically sending notifications to the user that list all transactions of the sub-account so that the primary account user can better monitor transactions of the sub-account.

As to claim 10, Rowe does not specifically teach the service provider computer is programmed to send a notification to the user of the primary account when predetermined types of transactions are made in the primary account or in the sub-account. However, Russell teaches this matter (¶ 30, 74-76). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Rowe's teaching to include the feature of sending a notification to the user of the primary account when predetermined types of transactions are made in the primary

account or in the sub-account for allowing the primary account user efficiently managing the accounts.

As to claim 11, Rowe does not specifically teach the service provider computer is programmed to send a notification to the user of the primary account, the notification including a link that the user may activate to lock the sub-account. However, this matter is taught by Russell as sending notification the user of primary account regarding an upcoming event, and the primary account user has option to fund the event directly through the service provider computer (Fig. 11); the primary account user also has option to disallow the sub-account user to make any purchases (§ 28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Rowe's teaching to include the feature of send a notification to the user of the primary account, and the primary account user has control over the sub-account regarding the notification so that the primary account user can efficiently managing the sub-account.

8. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe, US 2003/0115137 A1 in view of Cohen, US 2003/0097331 A1

As to claim 5, Rowe does not specifically teach the service provider computer is programmed to permit the user to authorize the sub-account to establish a further sub-account subordinate to the sub-account. However, Cohen teaches this matter (§ 202). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user in Rowe's teaching to include the feature of authorizing the

sub-account to establish a further sub-account subordinate to the sub-account as taught by Cohen for better control the spending in the sub-account.

As to claim 7, Rowe does not specifically teach the service provider computer is programmed to permit a user of the sub-account to modify secured information of the sub- account. However, Cohen teaches this matter (¶¶ 193-194). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user of the sub-account in Rowe's teaching to include the feature of modifying secured information of the sub- account as taught by Cohen for better control the spending in the sub-account.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone numbers for the organization where this application or proceedings is assigned are as follows:

- |                |  |
|----------------|--|
| (571) 273-8300 | (Official Communications; including After Final Communications labeled "BOX AF") |
| (571) 273-6705 | (Draft Communications)   |

/Mary Cheung/  
Primary Examiner, Art Unit 3694  
June 17, 2008